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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Douglas W. Derello,	No. CV 19-05884-PHX-MTL (JFM)
Plaintiff,	
v.	**ORDER**
McAdorey, et al.,	
Defendants.	

On December 19, 2019, Plaintiff Douglas W. Derello, who is confined in the Arizona State Prison Complex-Eyman in Florence, Arizona, filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983. In a January 15, 2020 Order, the Court gave Plaintiff thirty days to either pay the filing and administrative fees or file an Application to Proceed In Forma Pauperis.

On March 3, 2020, Plaintiff paid the filing and administrative fees. In a March 9, 2020 Order, the Court dismissed the Complaint because Plaintiff had failed to state a claim. The Court gave Plaintiff 30 days to file an amended complaint that cured the deficiencies identified in the Order.

On March 19, 2020, Plaintiff filed his Motion to Explain Reason for Not Using Court Issued Document and a First Amended Complaint. In his Motion, Plaintiff explained that he did not use the court-approved form because the "only legible way [for him] to communicate is through the Court Order use of a computer." In a March 23, 2020 Order, the Court granted the Motion to the extent Plaintiff was requesting the Court accept his

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1   First Amended Complaint despite it not being on the court-approved form. The Court

2   dismissed the First Amended Complaint because it did not comply with Rule 7.1(b) of the

3   Local Rules of Civil Procedure and Rule 8 of the Federal Rules of Civil Procedure and

4   gave Plaintiff thirty days to file a second amended complaint that cured the deficiencies

5   identified in the Order.

6   On April 23, 2020, Plaintiff filed a Second Amended Complaint. On April 30, 2020,

7   he filed a Third Amended Complaint.

8   **I.   Plaintiff's Request for Relief is Unreadable**

9   Plaintiff's Third Amended Complaint is typed, except for the last page, which

10   contains Plaintiff's signature and an illegible handwritten Request for Relief. Because

11   there is no way the Court or Defendants could discern what relief Plaintiff is seeking, the

12   Court will direct Plaintiff to file a **typed** Request for Relief. *See* Fed. R. Civ. P. 8(a)(3)

13   ("A pleading that states a claim for relief must contain . . . a demand for the relief sought,

14   which may include relief in the alternative or different types of relief."); Fed. R. Civ. P.

15   12(e) (authorizing a party to "move for a more definite statement of a pleading . . . which

16   is so vague or ambiguous that the party cannot reasonably prepare a response "); *see also*

17   *Cobb v. Marshall*, 481 F. Supp. 2d 1248, 1259 (M.D. Ala. 2007) ("the court has the

18   'inherent authority' to act on its own and *sua sponte* direct a plaintiff to replead a

19   complaint." (quoting *Fikes v. City of Daphne,* 79 F.3d 1079, 1083 n.6 (11th Cir.1996)).

20   **II.   Warnings**

21   **A.   Address Changes**

22   Plaintiff must file and serve a notice of a change of address in accordance with Rule

23   83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other

24   relief with a notice of change of address. Failure to comply may result in dismissal of this

25   action.

26   **B.   Possible Dismissal**

27   If Plaintiff fails to timely comply with every provision of this Order, including these

28   warnings, the Court may dismiss this action without further notice. *See Ferdik v. Bonzelet*,
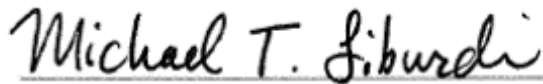
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1   963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure

2   to comply with any order of the Court).

3   **IT IS ORDERED:**

4   (1)   Plaintiff has **30 days** from the date this Order is filed to file a **typed** Request

5   for Relief.

6   (2)   If Plaintiff fails to file a typed Request for Relief within 30 days, the Clerk

7   of Court must, without further notice, enter a judgment of dismissal of this action without

8   prejudice and deny any pending unrelated motions as moot.

9   Dated this 6th day of May, 2020.

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Michael T. Liburdi

Michael T. Liburdi
United States District Judge

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